DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/16/2011 has been entered.

Response to Amendment

Amendment received on 11/16/2011 is acknowledged and entered. Claims 4-6, 9-12, 14, 16, 18, 20-151,153-179, 183-185, 188-191,193, 195, 197, 199-330, and 332-432 are withdrawn from consideration. Claims 1, 3, 13, 152, 180, 182, 192 and 331 have been amended. Claims 1-432 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 7, 8, 13, 15, 17, 19, 152, 180-182, 186, 187, 192, 194, 196, 198 and 331 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Jr. et al. (US 5,544,036) in view of Woolard et al. (US 6,178,362).

Brown, Jr. et al. (Brown) teaches a computer-implemented method and system for remote energy management and home automation system, said system including a central computer 24, a communication device (controller 14), and a communication link (transmitter 20), said method comprising:

Claims 1 and 180,

receiving a monitor data message comprising one or more resource-consumption by, resource-production by, operating characteristics of, and operational state of ("when it is necessary") of at least one device of the plurality of remote devices (receiving data from energy consuming devices including meter data and operational status of devices via transceiver 54 and/or telephone interface 48, and controllers 26 and 28) (C. 5, L. 53-66; C. 6, L. 1-6, 12-14, 15-22, 28-41);

automatically (by the central computer 24) generating at least one informational message at a central computer responsive to the monitor data message (C. 4, L. 7-18; Figs. 1, 2; C. 6, L. 28-41) and in accordance with a user profile wherein the user profile (preferences or settings) is configured to remotely initiate at least one action in association with the least one device of the plurality of remote devices (C. 3, L. 37 C. 4, L. 23; C. 4, L. 44-51; C. 9, L. 61 C. 10, L. 7; C. 10, L. 50-55; C. 11, L. 44-46; C. 16, L. 14 - C. 17, L. 20);

transmitting the at least one informational message to at least one communication device (controller 14) (C. 4, L. 7-14),

where the at least one communication device (controller 14) initiates at least one action having the effect of providing a change of one or more of resource-consumption by, resource-production by, operating characteristics of, and operational state of one or more of the at least one device of the plurality of remote devices (C. 4, L. 7-18).

Brown does not explicitly teach that said central computer includes a server. However, the use of a computer as a server is old and well known. For example, Woolard et al. (Woolard) teaches a method and system for remote energy management and home automation system, said system including a central server 60 (Fig. 3), which is configured to be in control communication with peripheral energy consuming devices D (C. 7, L. 37-38, 8-15). Further, Woolard teaches monitoring energy usage of various devices (HVAC); analyzing received data regarding energy consumption, and, based on the analysis of the received data, changing energy usage patterns including starts and stops of the devices (HVAC) to minimize operational costs and prevent an abnormal operation of the devices (C. 5, L. 13-14, 23-26, 52-55; C. 6, L. 4-6; C. 7, L. 9-14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown to include that said central computer includes a server, as disclosed in Woolard, because it would advantageously allow to implement said system for multi-building facility, and

interconnect various energy consuming devices for purposes of monitoring and control, as well as optimizing energy consumption, as specifically stated in Woolard (C. 7, L. 32-35).

Claims 2 and 181, Brown teaches said method and system, wherein the at least one informational message comprises at least one control signal and wherein the at least one communication device comprises at least one interface unit, where the interface unit in communication with the one or more devices controls the at least one device in accordance with the at least one control signal, to take an action having the effect of providing a change of one or more of resource-consumption and resource-production attributed to the at least one device (Fig. 1, 2; C. 3, L. 26-28; C. 4, L. 7-18; C. 5, L. 9-33).

Claims 3 and 182, Woolard teaches: receiving at least one command at the central server (60 (Fig. 3); C. 5, L. 47-51). As per the at least one command is related to controlling at least one device and wherein the at least one informational message is generated based on the at least one command, Brown teaches said feature (See reasoning above). The motivation to combine references would be to provide tools for developing strategies to reduce energy costs (Woolard; C. 5, L. 49).

Claims 7 and 186, Brown teaches said method and system, wherein the at least one informational message comprises an instruction directed to one or more of activating and deactivating the at least one device (C. 4, L. 7-14).

Claims 8 and 187, Brown teaches said method and system, wherein the at least one informational message comprises an instruction to adjust the operation of the at least one device wherein the instruction to adjust the operation is directed to one or more of state, use, one or more parameters, one or more set points, operating characteristics, duty cycle, control logic and scheduling of the at least one device (C. 4, L. 44-51).

Claims 13, 15, 152 and 192, 194, 331, Brown teaches said method and system, wherein the at least one command is generated in accordance with a user profile (preferences or settings), and profile is associated with an entity that generates one or more commands (a utility; a user) (C. 3, L. 37 C. 4, L. 23; C. 4, L. 44-51; C. 9, L. 61 C. 10, L. 7; C. 10, L. 50-55; C. 11, L. 44-46; C. 16, L. 14 - C. 17, L. 20).

Claims 17 and 196, Brown teaches said method and system, wherein the devices comprises one or more of an air-conditioner, boiler, motor starter and heater (C. 4, L. 63-66).

Claims 19 and 198, Brown teaches said method and system, wherein the interface unit causes the adjustments of one or more of resource-consumption and resource-production attributed to the at least one device in accordance with the at least one informational message (C. 4, L. 10-19, 47).

Response to Arguments

Applicant's arguments filed 10/19/2011 have been fully considered are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/
Primary Examiner, Art Unit 3628
12/06/2011